

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

ROBERT AVALLONE,	:	
Plaintiff,	:	
	:	
v.	:	Docket No. 2:06-CV-253
	:	2:07-CV-1
ROBERT HOFMAN, LESA TROWT,	:	(Consolidated)
DR. SUSAN WEHRY, JOHN DOE,	:	
JANE DOE, VERMONT DEPARTMENT	:	
OF CORRECTIONS, DR. JOHN	:	
LEPPMAN, DR. ROUSSE, PRISON	:	
HEALTH SERVICES, DR. BALLARD,	:	
MHM CORRECTIONAL SERVICES, INC.,	:	
Defendants.	:	

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed January 29, 2008. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

The motion to dismiss filed by defendants Dr. Ballard and MHM Correctional Services, Inc. (Paper 15) and defendant Lesa Trowt's motion for summary judgment (Papers 10 and 24) are DENIED. Plaintiff's motion to amend his complaint (Paper 27) is DENIED.

Pursuant to Fed. R. App. P. 22(b), a certificate of appealability is DENIED because the petitioner has failed to make a substantial showing of denial of a federal right. Furthermore, the petitioner's grounds for relief do not present

issues which are debatable among jurists of reasons, which could have been resolved differently, or which deserve further proceedings. See e.g., Flieger v. Delo, 16 F.3rd 878, 882-83 (8th Cir.) cert. denied, 513 U.S. 946 (1994); Sawyer v. Collins, 986 F.2d 1493, 1497 (5th cir.), cert. denied, 508 U.S. 933 (1993).

Furthermore, it is certified that any appeal of this matter would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

Dated at Burlington, in the District of Vermont, this  
25th day of February, 2008.

/s/ William K. Sessions III  
William K. Sessions III  
Chief Judge